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TECHNOLOGY CENTER R3700

Atty. Dkt. No. 050251/0131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Looper et al.

Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT

Appl. No.: 09/785.374

Filing Date: 16 February 2001

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L.Pa/K
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#9/TDS

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. Patricia Olini (Printed Name) Patricia Olini (Signature) 10-7-02 (Date of Deposit)
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. Copies of most of the listed documents were previously submitted in U.S. Patent Application 09/432,523 and in U.S. Patent Application No. 08/936,394 (now U.S. Patent No. 6,139,563). This application is a continuation-in-part of U.S. Patent Application 09/432,523, which is a continuation of U.S. Patent Application No. 08/936,394 (now U.S. Patent No. 6,139,563). Those references not cited in these previous applications are being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted after receipt of the first office action. Therefore, a check in the amount of \$180.00 is also enclosed.


RELEVANCE OF EACH DOCUMENT

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Respectfully submitted,

Date October 7 2002
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